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Attorneys for Defendant

ROWLAND MARCUS ANDRADE

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROWLAND MARCUS ANDRADE,

Defendant.

Case No.: 3:20-CR-00249-RS-LB

**ADDENDUM TO DEFENDANT'S
MOTION FOR INFORMANT
DISCLOSURES**

Judge Beeler
December 12, 2024
10:30 a.m.

This addendum seeks to add OCE-8148 to the list of informants for whom Mr. Andrade is requesting disclosure in his Motion for Informant Disclosures, filed on November 1, 2024.

OCE-8148 should be added because it now appears that the government plans to call OCE-8148

ADDENDUM TO DEFENDANT'S MOTION FOR INFORMANT DISCLOSURES

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1 as a witness at trial. *See* copy of attached FBI-302-027337.pdf (showing that on October 3,
 2 2024, the government provided OCE-8148 with “an update on the status of the case and the
 3 potential for utilizing him/her as a witness at the trial of Marcus Andrade in February 2025,” and
 4 took steps to prepare OCE-4148 to testify, including showing “documents he/she previously
 5 serialized to the case file”). Although the government informed OCE-8148 to prepare to be a
 6 witness a trial before Mr. Andrade filed his motion for disclosures of undercover informants, Mr.
 7 Andrade did not receive a copy of this report until December 6, 2024, *see* copy of email sent to
 8 counsel on 12-6-24, and therefore did not include OCE-4148 in his motion.

9 The government should not be prejudiced by this Addendum. As argued in Mr.
 10 Andrade’s Reply motion, *see* ECF 388 at 8-10, the government has asserted no basis to allow its
 11 undercover employees or agents to testify anonymously, and the government is not permitted to
 12 impoverish Mr. Andrade’s right of cross examination by depriving him of rudimentary
 13 information about a government witness. *See* Reply at 9:16-23. Mr. Andrade requests that the
 14 Court incorporate his arguments demonstrating the obligation to disclose true names of witnesses
 15 to this request for disclosures of the name of, and relevant documents from, OCE-8148. As with
 16 the other informant disclosure requests pending before this Court, the government will have an
 17 opportunity to present evidence of just cause to hide this informant’s identity, if any such
 18 evidence exists, in an *ex parte* and *in camera* hearing.

19 DATED: December 9, 2024

Respectfully Submitted

20 /s/

21 _____
 22 MICHAEL J. SHEPARD, Esq.
 23 KERRIE C. DENT, Esq.
 24 CINDY A. DIAMOND, Esq.
 ATTORNEYS FOR DEFENDANT
 ROWLAND MARCUS ANDRADE

Attachment 1 - FBI report from October 3, 2024

FEDERAL BUREAU OF INVESTIGATION

Date of entry 10/09/2024

On October 3, 2024, former OCE-8148 was interviewed at 450 Golden Gate Ave. 11th Floor, San Francisco, CA 94102. Also present during the interview were Assistant United States Attorneys David Ward, Christiaan Highsmith, and Special Assistant United States Attorney, Matthew Chou. After being advised of the identity's of the participants and the nature of the interview, former OCE-8148 provided the following information:

Former OCE-8148 was provided an update on the status of the case and the potential for utilizing him/her as a witness at the trial of Marcus Andrade in February 2025. Former OCE-8148 provided a summary of his/her role in the investigation. Former OCE-8148 was shown documents he/she previously serialized to the case file and provide context.

Investigation on 10/03/2024 at San Francisco, California, United States (In Person)

File # 58D-SF-2113481-302 Date drafted 10/07/2024

by Brendon Zartman

Attachment 2 -
December 6, 2024
Email disclosing
FBI Report



Cindy Diamond <cindy@cadiamond.com>

US v. Andrade - 12/6/24 production

Rosenbaum, Tina (USACAN) <Tina.Rosenbaum@usdoj.gov>

Fri, Dec 6, 2024 at 1:35 PM

To: Mike Shepard <mshepard@kslaw.com>, Kerrie Dent <KDent@kslaw.com>, Cndy Diamond <cindy@cadiamond.com>, Laurie Bartis-Callaghan <LBartis-Callaghan@kslaw.com>

Cc: "Highsmith, Christiaan (USACAN)" <Christiaan.Highsmith@usdoj.gov>, "Ward, David (USACAN)" <David.Ward@usdoj.gov>, "Chou, Matthew (USACAN)" <Matthew.Chou2@usdoj.gov>, "DiCenzo, Mark (USACAN)" <Mark.DiCenzo@usdoj.gov>

Counsel,

See attached cover letter for discovery produced today on USAfx. You will be invited to the USAfx folder shortly.

Sincerely,

Tina

Tina Rosenbaum

Paralegal Specialist

US Attorney's Office, Northern District of CA

[450 Golden Gate Ave., 11th Floor](#)

San Francisco, CA 94102

(415) 436-7152



2024.12.6 Discovery Letter Andrade - Dec. 6, 2024 production.pdf

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